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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,973	06/13/2008	Michel Banatre	017346-0192	8871
22428 7590 08/30/2010 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
DASS, HARISH T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,973

Applicant(s)

BANATRE ET AL.

Examiner

HARISH T. DASS

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/2010 has been entered.

2. **Priority:** Jan 14, 2004.

3. **Status of Claims:**

Claims 1-2, and 4-24 are pending.

Claim 3 is canceled.

4. **IDS:** One of the IDS is not in English and it has not been considered (see below – response to argument).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 4-24 remain are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebetciouglu et al. (Sebetciouglu - US 5,719,918) in view of Jacobson (US 2003/0004876 A1) and Balngalore et al. (hereinafter Balngalore - US 2004/0122674).

Re. Claim 1, Sebetciouglu discloses

- a station capable of carrying out a transaction [Abstract; col. 3 lines 1-7, col. 6 lines 41-46]; and
- an **apparatus** capable of setting up a wireless communication network with one or more mobile terminals, based on a connection protocol, as well as a communication with the station [Figures 1-3, 10 (communication network and mobile terminal) and associated descriptions; col. 5 line 57 through col. 6 line 6 (cellular telephone network; protocols for interfacing SMSC to THS)];
- wherein the **connection protocol** is configured to allow the initial exchange of an identity information (IDS) transmitted by a mobile terminal present in the **zone in exchange for** a unique temporary code (IDT) (PIN), such **exchange** being followed by the launch of a background function allowing the preparation of at least part of a transaction on the basis of the identity information (IDS) [Abstract; Figures 2-6, 10, 12 and associated descriptions; col. 1 lines 9-60, col. 3 line 1 through col. 4 line 4 (cellular telephone Network, apparatus, unique code), col. 5 line 57 through col. 6 line 46, col. 15 line 28 through col. 16 line 54]; and

- wherein the station is capable, upon presentation of the unique temporary code (IDT), of recovering then completing as required and validating the transaction [col. 14 lines 56-59; col. 15 line 28 through col. 16 line 54];

Sebetciouglu does not explicitly

- wherein the apparatus is configured with an adaptable perimeter selected to cover a determined zone, close to the station.

Jacobson discloses

- wherein the apparatus is configured with an adaptable perimeter (radius) selected to **cover a determined zone, close to the station** [Abstract; Figures 4-5; paragraphs 100-101 - "small radius from the base station (e.g., a few tens of meters)." Paragraph 143 – "a short range radio communication protocol, such as Bluetooth and the like" for short distance]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art motivated to modify the disclosure of Sebetciouglu and include wherein the apparatus is configured with a perimeter selected to cover a determined zone, close to the station, as disclosed by Jacobson to provide high mobility long range cellular communication network services regardless of the point of attachment of the terminal to the network for communication between the terminals using short range radio protocols using standard wireless protocol with low interference at lower cost, low energy consumption which can share data and voice signal to transact.

Balngalore discloses wherein the apparatus is configured with an adaptable perimeter selected to cover a determined zone, close to the current location [see entire document particularly, Abstract; Figures 4-7 (see Figure 6 #200 the slider for selecting range); Paragraphs 34, 52, 62]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Sebetciouglu, Jacobson and Balngalore to provide a context sensitive "near-to" widget to allow the user to configure a portable help device for locating the nearest desired city information with selectable user's range with respect to the user's location such as: restaurant, subway, etc with respect to the widget position of the user.

Re. Claims 2-24, Sebetciouglu discloses

Claim 2

- wherein the station is configured to form part of a wireless communication network of the said apparatus;

Claim 6

- wherein the background function is launched upon receipt of a message or through the communication apparatus;

Claim 7

- wherein the background function is implanted at least in part in the station or in a local network of which the station forms part;

Claim 8

- wherein the background function is implanted at least in part in the apparatus.

Claim 9

- a communication unit capable of allowing a communication with a remote server, and in that the preparation of transaction comprises at least one verification linked to the said identity information (IDS), and carried out by interrogation of the remote server.

Claim 16

- wherein the presentation of the unique temporary code (IDT) to the station is carried out from the mobile terminal.

Claim 17

- wherein the station comprises a verification function capable of comparing the value of the unique temporary code (IDT) presented with a value of the reference unique temporary code (IDT) and whose result is a condition of validation of the transaction [see enter document particularly - Abstract; Figures 2-6, 10, 12 and associated descriptions; col. 1 lines 9-60, col. 3 line 1 through col. 4 line 4 (cellular telephone Network, apparatus, unique code), col. 5 line 57 through col. 6 line 46, col. 15 line 28 through col. 16 line 54].

Jacobson discloses the following limitations not disclosed by Sebetcioğlu.

Jacobson discloses:

Claims 2, 4

- wherein the apparatus is configured to operate according to a short-range radio communication standard; characterized in that the apparatus is contrived

(configured) to operate according to a short-range radio communication standard;

Claim 5

- wherein the apparatus is configured to operate according to the Bluetooth or NFC standard;

Claim 10

- the non-prepared part of the transaction comprises a financial element, and wherein the interrogation of the remote server comprises a credit verification linked to the identity information (IDS).

Claim 11

- the interrogation of the remote server comprises a credit verification for an amount linked at least in part to a class of transactions carried out by the station and to the identity information (IDS).

Claim 12

- the interrogation of the remote server comprises a credit verification for an amount defined by complementary data established during the initial exchange.

Claim 13

- wherein the transaction comprises a cash withdrawal.

Claim 14

- the transaction is a commercial transaction (inherent).

Claim 15

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- the transaction is of the access control type (card controlled).

Claim 18

- the station further comprises an interrogation function configured to set up as the value of the reference unique temporary code (IDT) a value of the unique temporary code (IDT) recorded in a memory of the mobile terminal.

Claim 19

- the station comprises a capture element for presentation of the unique temporary code (IDT).

Claim 20

- the value of the reference unique temporary code (IDT) is transmitted by the mobile terminal.

claim 21

- wherein presentation of the unique temporary code (IDT) to the station is carried out from the mobile terminal through the same wireless communication network.

Claim 22

- a monitor function capable of cancelling a transaction prepared according to a selected expiry criterion (inherent in card authorization - card has expiry date).

Claim 23

- the apparatus is configured to operate according to a short range radio communication standard.

Claim 24

- wherein the interrogation of the remote server comprises a credit verification for an amount defined by complementary data established during the initial exchange [see entire document particularly - Abstract; Figures 4-5; paragraphs 02, 07-08,26, 100-101, 106,110, 121-129, 134,158].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Sebetciouglu & Balngalore and include the above features, as disclosed by Jacobson, to provide a transaction system with wireless device and plurality of bases station using short message service center and mobile terminal for paying for the purchases of goods and service by credit card, where the user is authenticated by the mobile terminal according to the mobile terminal ID, and requesting a user secret code (PIN), from mobile terminal which uses low cost, low interference commercially available communication equipment.

Response to Arguments

6. Applicant's arguments filed 8/3/2009 have been fully considered but they are not persuasive.

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that (page 6 – IDS) "The Office states ... IDS is not in English ... a copy of ISR was attached to the IDS..." Examiner has not identified the ISR as argued in the remarks.

(B) All content requirements of 37 CFR 1.98. See MPEP § 609.04(a) for more information.

(3) For non-English documents that are cited, the following must be provided:

(a) A concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, unless a complete translation is provided; and /or

(b) A written English language translation of a non-English language document, or portion thereof, if it is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c). After the examiner reviews the IDS for compliance with 37 CFR 1.97 and 1.98, the examiner should: (See MPEP § 609.05).

(A) Consider the information properly submitted in an IDS in the same manner that the examiner considers other documents in Office search files while conducting a search of the prior art in a proper field of search.

Examiner will consider the missing IDS document after Applicant identifies the ISR. Examiner called the attorney and left a message in this regard 11/9/09.

Applicant has not shown when the ISR was filed, since the PTO record (EDAN) does not show any record of ISR. In order to rectify this problem, Applicant should provide another copy of the ISR.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 6,757,544 (Rangarajan et al.) discloses a methods and systems for determining a location relevant to a communication device or a location relevant to a user associated with a communication device. Wireless telephones, pagers and other communication devices typically

communicate via wireless telecommunications networks. In recent years, a number of service systems have been implemented or proposed for wireless telecommunications networks which would provide a given service based on the locations of the devices communicating via these networks. Such location-based service systems would provide a service in relation to a given location. For example, such a service could locate the nearest ATM, gas station, bank, police station, or restaurant, in relation to the location (col. 1 lines 7-26). In one embodiment of the invention, the location parameter selected corresponds to all or a portion of the user responses determined. The specific number of location parameters selected may be variable and dependent upon a number of factors. For example, the number of location parameters selected may be dependent upon a predetermined mile radius from the location of the communication device (e.g. only the location parameters of ATMs within 2 miles of the communication device are selected). Alternatively, the communication node 16 may be preprogrammed to return a specific number of selected location parameters (e.g. only the location parameters of the 10 ATMs nearby the communication device are selected) (col. 9 lines 1-17 and EXAMPLE A (col. 9).

US 6208934 (Bechtolsheim et al.) discloses a system and method are that provide an end user of a navigation program with information about walking to a desired destination in combination with information about driving to or close to the desired destination. Another embodiment provides for walking directions in the event of a vehicle breakdown or emergency situation. According to this embodiment, the end user of an in-vehicle navigation system requests walking directions from a present vehicle location to the nearest point of interest of a selected type, such as a service station, a police station, a hospital, and so on. This provides an alternative to calling for assistance in emergencies. The navigation system searches the geographic database and provides the desired information to the end user along with walking

directions to the desired destination of the selected type. As mentioned before, when providing walking directions, the navigation system uses walking criteria. Using walking criteria to determine a walking route to the nearest location of the desired type may provide a shorter route than if the navigation system calculated a vehicle route to a point of interest of the desired type. For example, the navigation system may indicate that a point of interest of the desired type was 100 feet back along a one-way street (Abstract; col. 21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARISH T. DASS whose telephone number is (571)272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kyle Charles can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/
Primary Examiner, Art Unit 3695

Friday, August 27, 2010